

Testimony by Mark A. Mitchell M.D., MPH  
on  
Private Sector Views on the Regulatory Climate One Year After  
Executive Order 13563  
before the  
Subcommittee on Government Oversight and Investigations  
House Committee on Energy and Commerce  
February 16, 2012

Good Morning Chairman Stearns and members of the Subcommittee. My name is Dr. Mark Mitchell. I am a public health physician focusing on environmental health and I am Co-chair of the Environmental Health Task Force for the National Medical Association, representing over 40,000 African American Physicians and their patients. I am here to testify about the need for strong regulation to protect the public health and the health of workers as well as to maintain public confidence in the safety of business and the abilities of government to protect U.S. residents.

I was previously the Director of Health for the City of Hartford, CT. In that capacity, it became apparent to me that although the public health was generally improving, there were certain diseases and conditions that were increasing in frequency—such as asthma, cancer, learning disabilities, obesity, and diabetes. I also noticed that these conditions are more likely to be caused by environmental factors and could lead to a large part of the American population suffering major disabilities and premature death if these trends continue. This is even more important in African American, Latino, and low-income communities where there are greater hazardous environmental exposures and health disparities. These environmental risk factors can only be reduced through local, national and international environmental regulations.

Although environmental regulation is so important, the only group I was hearing from about environmental regulation was the regulated community complaining about too much regulation, when it was apparent to me that the regulations support business by protecting their credibility and that there is not enough regulation to protect environmental health. When I talked to people in my community, they assumed that government would automatically have their interest in mind and would act in the best interest of the public to protect them. I could see that this was not always the case. This realization persuaded me to focus my career on environmental health and environmental justice issues as an advocate for the public.

When I talk to other physicians both within and outside the National Medical Association about environmental health, they are often very concerned. They usually recognize the significant morbidity and mortality that they are seeing in their patients due to hazardous environmental exposures. As they learn more about the current state of environmental health and environmental regulation, they become even more concerned.

I was previously on a U.S. Food and Drug Administration advisory panel. I was surprised at the number of foreign companies that wanted their products approved by the FDA, even though they were not looking to sell those products in the U.S. This is because of FDA's reputation for protecting health. I was told that they could use the FDA approval as a guarantee to potential customers that their products are safe and effective. This is why regulation is good for business and good for the public.

I am also aware about products, like diethylstilbestrol or DES, that were not approved by FDA and went on to cause major disabilities in other countries where it was approved for use. Generations of Americans were protected by FDA's prevention of this drug from coming to market in the U.S.

Yes, it is true that regulations need to be updated from time-to-time to keep up with changing needs including changing products, technologies, and lifestyles. Ineffective regulations need to be dropped, effective regulations need to be modified and new regulations need to be developed to meet new situations. Changes in regulations take time, often longer than one year.

Many businesses see the benefits of regulation and do not see regulation as overly intrusive on business. I work to get health protective regulations, such as chemical policy reform, developed on a state and national level. When I speak to businesses large and small about regulation, they are more concerned about regulatory certainty and predictability than about the burden of meeting regulations.

## **Conclusion**

In summary, physicians are becoming more and more concerned about the effect of environmental exposures on health. The National Medical Association believes that our country needs to have strong health protective regulations on the local, state and federal levels. Strong regulations can keep the workforce healthy and productive as well as keep healthcare costs lower. This is good for business, good for the workers, and good for America.

Thank you for this opportunity to speak, Mr. Chairman. I am available to answer any questions that the committee may have.